

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ENRICQUE FRANCO,

Plaintiff,

v.

DAX LOPEZ, et al.,

Defendants.

Case No.: 2:24-cv-02261-RFB-BNW

ORDER

On December 6, 2024, pro se plaintiff Enricque Franco, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), filed a civil-rights complaint under 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*. ECF Nos. 1-1, 1. The application to proceed *in forma pauperis* is deficient because Plaintiff failed to include a completed financial certificate and inmate trust fund account statement for the previous six-month period with it. *See* ECF No. 1. Even if Plaintiff has not been at the NDOC facility for a full six-month period, he must still submit a completed financial certificate and inmate account statement for the dates that he has been at the facility.

This Court must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. *See* 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her

1 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28
2 U.S.C. § 1915(b).

3 It is therefore ordered that the incomplete application to proceed *in forma pauperis* (ECF
4 No. 1) is denied without prejudice.

5 It is further ordered that Plaintiff has **until March 7, 2025**, to either pay the full \$405 filing
6 fee or file a new fully complete application to proceed *in forma pauperis* with all three required
7 documents: (1) a completed application with the inmate's two signatures on page 3, (2) a
8 completed financial certificate that is signed both by the inmate and the prison or jail official, and
9 (3) a copy of the inmate's trust fund account statement for the previous six-month period.

10 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
11 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
12 refile the case with the Court, under a new case number, when Plaintiff can file a complete
13 application to proceed *in forma pauperis* or pay the required filing fee.

14 The Clerk of the Court is directed to send plaintiff Enricque Franco the approved form
15 application to proceed *in forma pauperis* for an inmate and instructions for the same, and to retain
16 the complaint (ECF No. 1-1) but not file it at this time.

17 The Clerk of Court is further directed to update Plaintiff's first name on the docket from
18 Enrique to Enricque.

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20 DATED: January 6, 2025

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23 UNITED STATES MAGISTRATE JUDGE
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